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|                                    |   |          |
|------------------------------------|---|----------|
| In re Application of               | : |          |
| CHO et al.                         | : |          |
| Application No.: 10/584,239        | : | DECISION |
| PCT No.: PCT/KR2004/003438         | : |          |
| Int. Filing Date: 24 December 2004 | : |          |
| Priority Date: 26 December 2003    | : |          |
| Attorney Docket No.: 51601         | : |          |
| For: METHOD OF STORING AND         | : |          |
| REPRODUCING CONTENTS               | : |          |

This decision is in response to applicants' "RESPONSE TO NOTIFICATION OF ABANDONMENT" filed in the United States Patent and Trademark Office (USPTO) on 01 July 2008, which has properly been treated as a petition under 37 CFR 1.181. No petition fee is required.

### **BACKGROUND**

On 24 December 2004, applicants filed international application PCT/KR2004/003438, which designated the United States and claimed a priority date of 26 December 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 14 July 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 26 June 2006.

On 26 June 2006, applicants filed, *inter alia*, a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 20 March 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 24 June 2008, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States of

America for failure to respond the NOTIFICATION OF MISSING REQUIREMENTS mailed 20 March 2007.

On 01 July 2008, applicants filed the instant petition under 37 CFR 1.181. The petition was accompanied by, *inter alia*, a copy of a declaration of inventors and a USPTO date-stamped postcard receipt.

### **DISCUSSION**

Applicants have provided sufficient evidence to establish that on 21 May 2007 applicants filed a declaration of inventors. The proof is in the form of the copy of the receipt for the above-identified application which bears a USPTO date stamp of 21 May 2007 and which itemizes "Combined Decl, Petition & Power" and identifies the above-captioned title and attorney docket number. Further, practitioner states that the copy of the declaration filed 01 July 2008 is a copy of the declaration originally filed 21 May 2007. Therefore, in view of the date-stamped receipt and practitioner's statement, the declaration received on 01 July 2008 may properly be accepted as originally received in the USPTO on 21 May 2007. The NOTIFICATION OF ABANDONMENT mailed 24 June 2008 is hereby vacated.

### **CONCLUSION**

The petition under 37 CFR 1.181 is **GRANTED** for the reasons set forth above.

The NOTIFICATION OF ABANDONMENT mailed 24 June 2008 is **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision.

/Daniel Stemmer/

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